

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,
Plaintiffs,

v.

GREGORY W. ABBOTT, *et al.*,
Defendants.

§
§
§
§
§
§
§

Consolidated Case No. 5:21-cv-844-XR

**Documents Produced with State Defendants' Initial Disclosures
November 5, 2021**

Copy Filed with the Court November 15, 2021 (ECF 112)

**Senate Bill 1
Legislative Session: 87
Second Special Session**

Part V

Date: November 15, 2021

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
patrick.sweeten@oag.texas.gov
Tex. State Bar No. 00798537

BRENT WEBSTER
First Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
will.thompson@oag.texas.gov
Tex. State Bar No. 24088531

ERIC A. HUDSON
Senior Special Counsel
eric.hudson@oag.texas.gov
Tex. Bar No. 24059977

KATHLEEN T. HUNKER
Special Counsel
kathleen.hunker@oag.texas.gov
Tex. State Bar No. 24118415
**Application for Admission Pending*

LEIF A. OLSON
Special Counsel
leif.olson@oag.texas.gov
Tex. State Bar No. 24032801

JEFFREY M. WHITE
Special Counsel
jeff.white@oag.texas.gov
Tex. State Bar No. 24064380

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 15, 2021, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN

S.B. No. 1

1 to be severable.

2 SECTION 10.03. (a) Except as otherwise provided by this
3 Act, the changes in law made by this Act apply only to an offense
4 committed on or after the effective date of this Act. An offense
5 committed before the effective date of this Act is governed by the
6 law in effect when the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

10 (b) The changes in law made by this Act apply only to an
11 election ordered on or after the effective date of this Act. An
12 election ordered before the effective date of this Act is governed
13 by the law in effect when the election was ordered, and the former
14 law is continued in effect for that purpose.

15 (c) The changes in law made by this Act apply only to an
16 application to vote an early voting ballot by mail submitted on or
17 after the effective date of this Act. An application to vote an
18 early voting ballot by mail submitted before the effective date of
19 this Act is governed by the law in effect when the application was
20 submitted, and the former law is continued in effect for that
21 purpose.

22 (d) The changes in law made by this Act apply only to an
23 application for voter registration submitted on or after the
24 effective date of this Act.

25 (e) Chapter 247, Election Code, as added by this Act,
26 applies only to a cause of action for which the associated election
27 occurred after the effective date of this Act.

S.B. No. 1

1 SECTION 10.04. This Act takes effect on the 91st day after
2 the last day of the legislative session.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
<i>No equivalent provision.</i>	ARTICLE 1. GENERAL PROVISIONS	ARTICLE 1. Same as House version.
<i>No equivalent provision.</i>	SECTION 1.01. SHORT TITLE. This Act may be cited as the Election Integrity Protection Act of 2021.	SECTION 1.01. Same as House version.
<i>No equivalent provision.</i>	SECTION 1.02. PURPOSE. The purpose of this Act is to exercise the legislature's constitutional authority under Section 4, Article VI, Texas Constitution, to make all laws necessary to detect and punish fraud.	SECTION 1.02. Same as House version.
<i>No equivalent provision.</i>	SECTION 1.03. FINDINGS. The legislature finds that: (1) full, free, and fair elections are the underpinnings of a stable constitutional democracy; (2) fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election; (3) reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process; (4) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitutions, but are enacted solely to prevent fraud in the electoral process and ensure that all legally cast ballots are counted. Integral to the right to vote is the assurance of voter access and the right for all votes legally cast to be counted; (5) additionally, preventing a valid vote from being counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution; and	SECTION 1.03. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(6) providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election.

No equivalent provision.

SECTION 1.04. Chapter 1, Election Code, is amended by adding Section 1.0015 to read as follows:
Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the legislature that the application of this code and the conduct of elections be uniform and consistent throughout this state to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted.

SECTION 1.04. Same as House version.

No equivalent provision.

SECTION 1.05. Section 1.003, Election Code, is amended by adding Subsection (a-1) to read as follows:
(a-1) Election officials and other public officials shall strictly construe the provisions of this code to effect the intent of the legislature under Section 1.0015.

SECTION 1.05. Same as House version.

No equivalent provision.

SECTION 1.____. Section 1.005, Election Code, is amended by amending Subdivision (4-a) and adding Subdivision (4-b) to read as follows:
(4-a) "Election official" means:
(A) a county clerk;
(B) a permanent or temporary deputy county clerk;
(C) an elections administrator;
(D) a permanent or temporary employee of an elections administrator;
(E) an election judge;
(F) an alternate election judge;
(G) an early voting clerk;
(H) a deputy early voting clerk;

SECTION 1.06. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

- (I) an election clerk;
- (J) the presiding judge of an early voting ballot board;
- (K) the alternate presiding judge of an early voting ballot board;
- (L) a member of an early voting ballot board;
- (M) the chair of a signature verification committee;
- (N) the vice chair of a signature verification committee;
- (O) a member of a signature verification committee;
- (P) the presiding judge of a central counting station;
- (Q) the alternate presiding judge of a central counting station;
- (R) a central counting station manager;
- (S) a central counting station clerk;
- (T) a tabulation supervisor;
- (U) an assistant to a tabulation supervisor; and
- (V) a chair of a county political party holding a primary election or a runoff primary election.
- (4-b) "Federal judge" means:
 - (A) a judge, former judge, or retired judge of a United States court of appeals;
 - (B) a judge, former judge, or retired judge of a United States district court;
 - (C) a judge, former judge, or retired judge of a United States bankruptcy court; or
 - (D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court. [FA2(49), FA4]

No equivalent provision.

SECTION 1.06. Section 1.018, Election Code, is amended to read as follows:
Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to Section 1.03, Penal Code, and to other titles of

SECTION 1.07. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

the Penal Code that may apply to this code, Titles 2 and [Title] 4, Penal Code, apply [applies] to offenses prescribed by this code.

No equivalent provision.

SECTION 1. __. Chapter 1, Election Code, is amended by adding Section 1.022 to read as follows:
Sec. 1.022. REASONABLE ACCOMMODATION OR MODIFICATION. A provision of this code may not be interpreted to prohibit or limit the right of a qualified individual with a disability from requesting a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law. [FA11]

SECTION 1.08. Same as House version.

ARTICLE 1. REGISTRATION OF VOTERS

ARTICLE 2. Same heading as Senate version.

ARTICLE 2. Same heading as Senate version.

SECTION 1.01. Section 13.002, Election Code, is amended.

SECTION 2.01. Same as Senate version.[FA2(2)]

SECTION 2.01. Same as Senate version.

No equivalent provision.

SECTION 2. __. Section 13.007, Election Code, is amended to read as follows:
Sec. 13.007. FALSE STATEMENT ON APPLICATION.
(a) A person commits an offense if the person knowingly or intentionally:
(1) makes a false statement; or
(2) requests, commands, coerces, or attempts to induce another person to make a false statement on a registration application. [FA50(4)]
(b) An offense under this section is a Class A [~~B~~] misdemeanor, except that an offense under this section is a state jail felony if the person:

SECTION 2.02. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(1) directly or through a third party offers or provides compensation or other benefit to a person for activity described by Subsection (a); or
(2) solicits, receives, or accepts compensation or other benefit for an activity described by Subsection (a).
[FA50(4), FA51(1)]
(c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both. ~~For purposes of this code, an offense under this section is considered to be perjury, but may be prosecuted only under this section.~~ [FA50(4)]

SECTION 1.02. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the ~~The~~ voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter ~~[who continues to reside in the county in which the voter is registered]~~ may correct information under this section by digital transmission of the information under a program administered by the secretary of state and the Department of Information Resources.

SECTION 2.02. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Same as Senate version.

(d) Same as Senate version.

SECTION 2.03. Same as Senate version.

(b) Same as Senate version.

(d) Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter resides in the county and is otherwise eligible under Section 13.001.

SECTION 1.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~[TO PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who is not eligible to vote ~~registered to vote or [a-registered voter]~~ voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

~~[(b) If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.]~~

HOUSE VERSION (IE)

(d-1) Same as Senate version. [FA2(3)]

(d-2) Same as Senate version.

SECTION 2.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~[TO PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who is not eligible to vote ~~registered to vote or [a-registered voter]~~ voted in an election, the registrar shall, **within 72 hours not including weekends after making the determination,** execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts. [FA2(4); FA20]

~~[(b) If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.]~~

CONFERENCE

(d-1) Same as Senate version.

(d-2) Same as Senate version.

SECTION 2.04. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 1.04. Section 16.0332, Election Code, is amended.	SECTION 2.___. Same as Senate version. [FA55(1)]	SECTION 2.05. Same as Senate version.
<i>No equivalent provision. (But see SECTION 7.01 below, also amending Sec. 18.065, Election Code.)</i>	<p>SECTION 2.___. Section 18.065, Election Code, is amended by adding Subsections (e), (f), (g), (h), and (i) to read as follows:</p> <p><u>(e) If the secretary of state determines that a voter registrar is not in substantial compliance with a requirement imposed on the registrar by a provision or rule described in Subsection (a), the secretary of state shall:</u></p> <p><u>(1) for the first violation, require the registrar to attend a training course under Subsection (h);</u></p> <p><u>(2) for the second violation, audit the voter registration list for the county in which the registrar serves to determine the actions needed to achieve substantial compliance under Subsection (a) and provide the results of the audit to the registrar; or</u></p> <p><u>(3) for a third or subsequent violation, if the secretary of state determines that the registrar has not performed any overt actions in pursuance of compliance with the actions identified under Subdivision (2) as necessary for the registrar to achieve substantial compliance under Subsection (a) within 14 days of receiving the results of the audit conducted under that subsection, inform the attorney general that the county which the registrar serves may be subject to a civil penalty under Subsection (f).</u></p> <p><u>(f) A county is liable to this state for a civil penalty of \$1,000 for each day after the 14th day following the receipt of the results of the audit conducted under Subsection (e)(2) that the county's voter registrar fails to take overt action to comply with the actions identified under that subsection as necessary for the registrar to achieve substantial compliance</u></p>	SECTION 2.06. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

under Subsection (a). The attorney general may bring an action to recover a civil penalty imposed under this section.
(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.
(h) The secretary of state shall develop and implement a training course for registrars on substantial compliance with Sections 15.083, 16.032, and 18.061 and with rules implementing the statewide computerized voter registration list.
(i) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section. [FA55(1)]

SECTION 1.05. Section 18.068, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Sections [Section] 62.113 and 62.114, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen or a resident of the county in which the voter is registered to vote, the secretary shall send notice of the determination to:

- (1) the voter registrar of the counties considered appropriate by the secretary; and
(2) the attorney general, who shall quarterly review the information to investigate whether a person has committed an offense under Section 13.007 or other law.

(a-1) The secretary of state is not required to send notice under Subsection (a) for a voter who is subject to an

SECTION 2. __. Section 18.068, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Sections [Section] 62.113 and 62.114, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen or a resident of the county in which the voter is registered to vote, the secretary shall send notice of the determination to the voter registrar of the counties considered appropriate by the secretary.

(a-1) The secretary of state is not required to send notice under Subsection (a) for a voter who is subject to an

SECTION 2.07. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
<u>exemption from jury service under Section 62.106, Government Code, if that exemption is the only reason the voter is excused from jury service.</u>	<u>exemption from jury service under Section 62.106, Government Code, if that exemption is the only reason the voter is excused from jury service.</u> [FA55(1)]	
SECTION 1.06. Section 31.006, Election Code, is amended.	SECTION 2.___. Same as Senate version. [FA55(1)]	SECTION 2.08. Same as Senate version.
<i>No equivalent provision.</i>	SECTION 2.___. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.028 to read as follows: <u>Sec. 87.028. ACCESS TO INFORMATION. (a) On request, a county election official shall provide to a member of an early voting ballot board all available information necessary to fulfilling the functions of the board, including any information from the statewide computerized voter registration list under Section 18.061.</u> <u>(b) On request, a county election official shall provide to a member of a signature verification committee all available information necessary to fulfilling the functions of the committee, including any information from the statewide computerized voter registration list under Section 18.061.</u> <u>(c) The secretary of state shall adopt rules as necessary to prevent a member of an early voting ballot board or signature verification committee from retaining or sharing personally identifiable information from the statewide computerized voter registration list under Section 18.061 obtained under this section for any reason unrelated to the official's official duties.</u> [FA63]	SECTION 2.09. Same as House version.
SECTION 1.07. Section 62.113(b), Government Code, is amended to read as follows: (b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to:	SECTION 2.___. Section 62.113(b), Government Code, is amended to read as follows: (b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to:	SECTION 2.10. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

- (1) the voter registrar of the county;
- (2) the secretary of state; and
- (3) the attorney general and the county or district attorney[, ~~as applicable,~~] for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

SECTION 1.08. Sections 62.114(b) and (c), Government Code, are amended to read as follows:

- (b) On the third business day of each month, the clerk shall send [~~to the voter registrar of the county~~] a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county to:

- (1) the voter registrar of the county;
- (2) the secretary of state; and
- (3) the attorney general and the county or district attorney for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.**

- (c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081 or 18.068, Election Code.

ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

No equivalent provision.

HOUSE VERSION (IE)

- (1) the voter registrar of the county;
- (2) the secretary of state; and
- (3) the county or district attorney[, ~~as applicable,~~] for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law. [FA55(1)]

SECTION 2.__. Sections 62.114(b) and (c), Government Code, are amended to read as follows:

- (b) On the third business day of each month, the clerk shall send [~~to the voter registrar of the county~~] a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county to:

- (1) the voter registrar of the county; and
- (2) the secretary of state.

- (c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081 or 18.068, Election Code. [FA55(1)]

ARTICLE 3. Same heading as Senate version.

SECTION 3.01. Section 2.053(a), Election Code, is amended to read as follows:

- (a) On receipt of the certification, the governing body of the political subdivision by order or ordinance shall [~~may~~] declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted

CONFERENCE

SECTION 2.11. Same as House version.

ARTICLE 3. Same heading as Senate version.

SECTION 3.01. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

on election day at each polling place used or that would have been used in the election.

No equivalent provision.

SECTION 3.02. Section 2.056(c), Election Code, is amended to read as follows:
(c) A certifying authority shall ~~[may]~~ declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

SECTION 3.02. Same as House version.

No equivalent provision.

SECTION 3.03. Sections 43.007(c) and (d), Election Code, are amended to read as follows:
(c) In conducting the program, the secretary of state shall provide for an audit of the voting system equipment ~~[direct recording electronic voting units]~~ before and after the election, and during the election to the extent such an audit is practicable.
(d) The secretary of state shall select to participate in the program each county that:
(1) has held a public hearing under Subsection (b);
(2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;
(3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;
(4) uses direct recording electronic voting machines, ballot marking devices, or hand-marked scannable paper ballots that are printed and scanned at the polling place or any other type of voting system equipment that the secretary of state determines is capable of processing votes for each type of ballot to be voted in the county; and

SECTION 3.03. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 2.01. Section 43.031, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Each polling place shall be located inside a building. *Except as provided by Subsection (b-1), a polling place may not be located in a tent or similar temporary moveable structure or in a facility primarily designed for motor vehicles.* No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

(b-1) A polling place may be located in a tent or similar temporary moveable structure if:

(1) a building selected for a polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available; and

(3) the tent or similar temporary moveable structure is adjacent to the building described by Subdivision (1).

(b-2) If the county commissioners court makes a determination described by Subsection (b-1)(1):

(1) the determination is valid only for the next scheduled election; and

(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

(5) is determined by the secretary of state to have the appropriate technological capabilities.

SECTION 3.04. Section 43.031(b), Election Code, is amended to read as follows:

(b) Each polling place shall be located inside a building.

No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

No equivalent provision.

No equivalent provision.

SECTION 3.04. Same as House version.

Same as House version.

Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
<i>No equivalent provision.</i>	SECTION 3.05. Section 52.092(a), Election Code, is amended to read as follows: (a) <u>Except as provided by Section 2.053(c) or 2.056(e), for</u> [For] an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot, the offices shall be listed in the following order: (1) offices of the federal government; (2) offices of the state government: (A) statewide offices; (B) district offices; (3) offices of the county government: (A) county offices; (B) precinct offices.	SECTION 3.05. Same as House version.
SECTION 2.02. Section 61.002, Election Code, is amended.	SECTION 3.__. Same as Senate version. [FA31(1)]	SECTION 3.06. Same as Senate version.
SECTION 2.03. Section 64.007(c), Election Code, is amended to read as follows: (c) An election officer shall maintain a register of spoiled ballots at the polling place, <u>including spoiled ballots from a direct recording electronic voting unit</u> . An election officer shall enter on the register the name of each voter who returns a spoiled ballot and the spoiled ballot's number. <u>The secretary of state shall create and promulgate a form to be used for this purpose.</u>	SECTION 3.06. Section 64.007(c), Election Code, is amended to read as follows: (c) An election officer shall maintain a register of spoiled ballots at the polling place. An election officer shall enter on the register the name of each voter who returns a spoiled ballot and the spoiled ballot's number. <u>The secretary of state shall create and promulgate a form to be used for this purpose.</u>	SECTION 3.07. Same as House version.
SECTION 2.04. Subchapter A, Chapter 66, Election Code, is amended.	SECTION 3.07. Same as Senate version. [FA2(5)-(6)]	SECTION 3.08. Same as Senate version.
SECTION 2.05. Section 66.052, Election Code, is amended to read as follows:	<i>No equivalent provision.</i>	Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY. (a) A delivery of election records or supplies that is to be performed by the presiding judge may be performed by an election clerk designated by the presiding judge.

(b) If the presiding judge of a polling place designates a clerk to deliver election supplies, the presiding judge shall attest to the designation, and the clerk shall attest to the clerk's acceptance of the responsibility. The secretary of state shall create and promulgate a form to facilitate compliance with this section.

SECTION 2.06. Section 85.005, Election Code, is amended to read as follows:

Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except as provided by Subsection (c), in an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, early voting by personal appearance at the main early voting polling place shall be conducted on each weekday of [the weekdays of] the early voting period that is not a legal state holiday and for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. ~~[during the hours that the county clerk's or city secretary's main business office is regularly open for business.]~~

(b) In an election to which Subsection (a) does not apply, early voting by personal appearance at the main early voting polling place shall be conducted at least nine [eight] hours each weekday of the early voting period that is not a legal state holiday unless the territory covered by the election has

SECTION 3.08. Section 85.005, Election Code, is amended to read as follows:

Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except as provided by Subsection (c), in an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, early voting by personal appearance at the main early voting polling place shall be conducted on each weekday of [the weekdays of] the early voting period that is not a legal state holiday and for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 10 p.m. ~~[during the hours that the county clerk's or city secretary's main business office is regularly open for business.]~~

(b) Same as Senate version.

SECTION 3.09. Same as House version.

(b) Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

fewer than 1,000 registered voters. In that case, the voting shall be conducted at least four ~~[three]~~ hours each day. The authority ordering the election, or the county clerk if that person is the early voting clerk, shall determine which hours the voting is to be conducted.

(c) In a county with a population of 30,000 ~~[100,000]~~ or more, the voting in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period. Voting under this subsection may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 30,000 ~~[100,000]~~ on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.067.

(d) A voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time. The secretary of state shall promulgate any materials and provide any training to presiding judges necessary to properly process voters under this subsection ~~[In an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours:~~

(c) In a county with a population of 55,000 ~~[100,000]~~ or more, the voting in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period. Voting under this subsection may not be conducted earlier than 6 a.m. or later than 10 p.m. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 55,000 ~~[100,000]~~ on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.067.

(d) Same as Senate version.

(c) Same as House version.

(d) Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

~~[(1) on one weekday, if the early voting period consists of less than six weekdays; or
[(2) on two weekdays, if the early voting period consists of six or more weekdays].~~

SECTION 2.07. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 ~~[100,000]~~ or more, the early voting clerk shall order voting by personal appearance ~~[voting]~~ at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. ~~[on the last Saturday]~~ and on the last Sunday of the early voting period for at least six [five] hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. ~~[on the last Sunday of the early voting period]~~. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 30,000 ~~[100,000]~~ on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

SECTION 2.08. Section 85.010(a-1), Election Code, is amended.

HOUSE VERSION (IE)

SECTION 3.09. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of 55,000 ~~[100,000]~~ or more, the early voting clerk shall order voting by personal appearance ~~[voting]~~ at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 10 p.m. ~~[on the last Saturday]~~ and on the last Sunday of the early voting period for at least six [five] hours, except that voting may not be conducted earlier than 9 a.m. or later than 10 p.m. ~~[on the last Sunday of the early voting period]~~. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 55,000 ~~[100,000]~~ on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

SECTION 3.10. Same as Senate version.

CONFERENCE

SECTION 3.10. Same as House version.

SECTION 3.11. Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 2.09. Section 85.061, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In a countywide election in which the county clerk is the early voting clerk under Section 83.002, an early voting polling place shall be located inside [a] each branch office that is regularly maintained for conducting general clerical functions of the county clerk, except as provided by Subsection (b). If a suitable room is unavailable inside the branch office, the polling place may be located in another room inside the same building as the branch office. *Except as provided by Subsection (a-1), the polling place may not be located in a tent or similar temporary moveable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.*

(a-1) An early voting polling place may be located in a tent or similar temporary moveable structure if:

- (1) a building selected for an early voting polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;
- (2) a suitable substitute building is not available; and
- (3) the tent or similar temporary moveable structure is adjacent to the building described by Subdivision (1).

(a-2) If the county commissioners court makes a determination described by Subsection (a-1)(1):

- (1) the determination is valid only for the next scheduled election; and
- (2) the court shall send a record of that determination to the secretary of state as soon as practicable.

HOUSE VERSION (IE)

SECTION 3.11. Section 85.061(a), Election Code, is amended to read as follows:

(a) In a countywide election in which the county clerk is the early voting clerk under Section 83.002, an early voting polling place shall be located inside [a] each branch office that is regularly maintained for conducting general clerical functions of the county clerk, except as provided by Subsection (b). If a suitable room is unavailable inside the branch office, the polling place may be located in another room inside the same building as the branch office.

No equivalent provision.

No equivalent provision.

CONFERENCE

SECTION 3.12. Same as House version.

Same as House version.

Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 2.10. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (f-1) to read as follows:

(b) A polling place established under this section may be located, subject to Subsection (d), at any place in the territory served by the early voting clerk and may be located inside [in] any building [stationary structure] as directed by the authority establishing the branch office. **Except as provided by Subsection (b-1), the [The] polling place may not be located in a tent or similar temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles** in the general election for state and county officers, general primary election, or runoff primary election. Ropes or other suitable objects may be used at the polling place to ensure compliance with Section 62.004. Persons who are not expressly permitted by law to be in a polling place shall be excluded from the polling place to the extent practicable.

(b-1) A temporary branch polling place may be located in a tent or similar temporary moveable structure if:

(1) a building selected for a temporary branch polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available; and

(3) the tent or similar temporary moveable structure is adjacent to the building described by Subdivision (1).

(b-2) If the county commissioners court makes a determination described by Subsection (b-1)(1):

HOUSE VERSION (IE)

SECTION 3.12. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsection (f-1) to read as follows:

(b) A polling place established under this section may be located, subject to Subsection (d), at any place in the territory served by the early voting clerk and may be located inside [in] any building [stationary structure] as directed by the authority establishing the branch office. **The** polling place may not be located in a movable structure in the general election for state and county officers, general primary election, or runoff primary election. Ropes or other suitable objects may be used at the polling place to ensure compliance with Section 62.004. Persons who are not expressly permitted by law to be in a polling place shall be excluded from the polling place to the extent practicable.

No equivalent provision.

No equivalent provision.

CONFERENCE

SECTION 3.13. Same as House version.

Same as House version.

Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(1) the determination is valid only for the next scheduled election; and
(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

(f-1) Notwithstanding any other provision of this section concerning the location of temporary branch polling places, in an election in which countywide polling places are used, the commissioners court of a county shall employ the same methodology it uses to determine the location of countywide polling places to determine the location of temporary branch polling places.

SECTION 2.11. Section 124.002, Election Code, is amended.

SECTION 2.12. Section 127.1232, Election Code, is amended to read as follows:

Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general custodian of election records shall post a licensed peace officer [guard] to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.

(b) The general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots:

(1) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and

HOUSE VERSION (IE)

(f-1) Same as Senate version.

SECTION 3.13. Same as Senate version.

SECTION 3.__. Section 127.1232, Election Code, is amended to read as follows:

Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general custodian of election records shall post a licensed peace officer [guard] to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.

(b) The general custodian of election records *in a county with a population of 100,000 or more* shall implement a video surveillance system that retains a record of all areas containing voted ballots:

(1) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and

CONFERENCE

(f-1) Same as Senate version.

SECTION 3.15. Same as Senate version.

SECTION 3.18. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.

(c) A video from a system implemented under Subsection (b) shall be made available to the public by a livestream.

(d) The video recorded is an election record under Section 1.012 and shall be retained by the general custodian of election records until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later.

No equivalent provision.

HOUSE VERSION (IE)

(2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.

(c) A video from a system implemented under Subsection (b) shall be made available to the public by a livestream.

(d) The video recorded is an election record under Section 1.012 and shall be retained by the general custodian of election records until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. [FA55(2)]

SECTION 3. __. Chapter 127, Election Code, as effective September 1, 2021, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. RANDOMIZED AUDITS

Sec. 127.351. RANDOMIZED COUNTY AUDITS. (a) Immediately after the uniform election date in November of an even-numbered year, the secretary of state shall conduct an audit of the elections held in four counties during the previous two years.

(b) The secretary of state shall select the counties to be audited under Subsection (a) at random, except that:

(1) two of the counties selected must have a total population of less than 300,000;

(2) two of the counties selected must have a total population of 300,000 or more; and

(3) a county selected in the most recent audit cycle may not be selected in the current audit cycle.

(c) A county selected to be audited may not pay the cost of performing an audit under this section.

(d) The secretary of state shall adopt rules as necessary to implement this section. [FA30]

CONFERENCE

SECTION 3.19. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
ARTICLE 3. ELECTION OFFICERS AND OBSERVERS	ARTICLE 4. Same heading as Senate version.	ARTICLE 4. Same heading as Senate version.
<i>No equivalent provision.</i>	SECTION 4.01. Section 32.075, Election Code, is amended by adding Subsections (g) and (h) to read as follows: <u>(g) A presiding judge may not have a watcher duly accepted for service under Subchapter A, Chapter 33, removed from the polling place for violating a provision of this code or any other provision of law relating to the conduct of elections, other than a violation of the Penal Code, unless the violation was observed by an election judge or clerk. [FA2(7)]</u> <u>(h) Notwithstanding Subsection (g), a presiding judge may call a law enforcement officer to request that a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law.</u>	SECTION 4.01. Same as House version.
<i>No equivalent provision.</i>	SECTION 4.02. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows: <u>Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The purpose of this chapter is to preserve the integrity of the ballot box in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers. It is the intent of the legislature that watchers duly accepted for service under this chapter be allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election. To effect that purpose, a watcher appointed under this chapter shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election.</u>	SECTION 4.02. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 3.01. Subchapter A, Chapter 33, Election Code, is amended by adding Section **33.0015** to read as follows:
Sec. 33.0015. REFERENCES TO EARLY VOTING BALLOT BOARD IN THIS CHAPTER. A reference in this chapter to an early voting ballot board includes a signature verification committee.

SECTION 3.02. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:
Sec. 33.008. TRAINING MANUAL. (a) The secretary of state shall publish and maintain a training manual for watchers and shall make the manual available on the secretary of state's Internet website.
(b) An appointing authority must provide each watcher appointed by the authority with a copy of the training manual maintained under this section.

No equivalent provision. (But see SECTION 3.02 above, adding Sec. 33.008, Election Code.)

No equivalent provision.

HOUSE VERSION (IE)

SECTION 4.___. Subchapter A, Chapter 33, Election Code, is amended by adding Section **33.0016** to read as follows:
Sec. 33.0016. REFERENCES TO EARLY VOTING BALLOT BOARD IN THIS CHAPTER. A reference in this chapter to an early voting ballot board includes a signature verification committee. [FA2(8)]

No equivalent provision. (But see SECTION 4.___ below [FA32(1)], adding Sec. 33.008, Election Code.)

SECTION 4.___. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:
Sec. 33.008. TRAINING PROGRAM. The secretary of state shall develop and maintain a training program for watchers. The training program must:
(1) be available:
(A) entirely via the Internet; and
(B) at any time, without a requirement for prior registration;
and
(2) provide a watcher who completes the training with a certificate of completion. [FA32(1)]

SECTION 4.___. Section 33.031, Election Code, is amended by adding Subsection (b) to read as follows:

CONFERENCE

SECTION 4.03. Same as House version.

Same as House version.

SECTION 4.04. Same as House version.

SECTION 4.05. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 3.03. Section 33.051, Election Code, is amended by adding Subsections (g) and (h) to read as follows:

No equivalent provision.

No equivalent provision.

No equivalent provision.

(b) In addition to the requirements of Subsection (a), to be eligible to serve as a watcher, a person must complete training under Section 33.008. [FA32(1)]

SECTION 4.03. Section 33.051, Election Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (a-1), (g), and (h) to read as follows: [FA32(2)]

(a) A watcher appointed to serve at a precinct polling place, a meeting place for an early voting ballot board, or a central counting station must deliver the following materials [~~a certificate of appointment~~] to the presiding judge at the time the watcher reports for service:
(1) a certificate of appointment; and
(2) a certificate of completion from training completed by the watcher under Section 33.008. [FA32(3)]

(a-1) A watcher appointed to serve at an early voting polling place must deliver the certificates under Subsection (a) [~~a certificate of appointment~~] to the early voting clerk or deputy clerk in charge of the polling place when the watcher first reports for service. [FA32(3)]

(b) The officer presented with a watcher's certificates [~~certificate of appointment~~] shall require the watcher to countersign the certificate of appointment to ensure that the watcher is the same person who signed the certificate of appointment. Except as provided by Subsection (c), a watcher who presents himself or herself at the proper time with the certificates required under Subsection (a) [~~a certificate of appointment~~] shall be accepted for service unless the person is ineligible to serve or the number of

SECTION 4.06. Same as House version.

Same as House version.

Same as House version.

Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

appointees to which the appointing authority is entitled have already been accepted. [FA32(3)]

No equivalent provision.

(d) The certificates [~~certificate~~] of a watcher serving at an early voting polling place shall be retained at the polling place until voting at the polling place is concluded. At each subsequent time that the watcher reports for service, the watcher shall inform the clerk or deputy in charge. The officer may require the watcher to sign the watcher's name in the officer's presence, for comparison with the signature on the certificate of appointment, if the officer is uncertain of the watcher's identity. [FA32(3)]

Same as House version.

No equivalent provision.

(e) If a watcher is not accepted for service, the certificates [~~certificate of appointment~~] shall be returned to the watcher with a signed statement of the reason for the rejection. [FA32(3)]

Same as House version.

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section. An offense under this subsection is a Class A misdemeanor.

(g) Same as Senate version. [FA2(9)]

(g) Same as Senate version.

(h) Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

(h) Same as Senate version.

(h) Same as Senate version.

SECTION 3.04. Section 33.056, Election Code, is amended.

SECTION 4.04. Same as Senate version.

SECTION 4.07. Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 3.05. Subchapter C, Chapter 33, Election Code, is amended.	SECTION 4.05. Same as Senate version.	SECTION 4.08. Same as Senate version.
SECTION 3.06. Section 33.061(a), Election Code, is amended.	SECTION 4.06. Same as Senate version.	SECTION 4.09. Same as Senate version.
SECTION 3.07. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows: <u>Sec. 33.063. RELIEF. (a) <i>A watcher, or</i> the appointing authority for a watcher, who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:</u> <u>(1) injunctive relief under Section 273.081, including issuance of temporary orders;</u> <u>(2) a writ of mandamus under Section 161.009 or 273.061; and</u> <u>(3) any other remedy available under law.</u> <u><i>(b) The relief provided by this section is available to a state inspector appointed under Chapter 34 or any other election inspector authorized by law.</i></u>	SECTION 4.07. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows: <u>Sec. 33.063. RELIEF. The appointing authority for a watcher who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:</u> <u>(1) injunctive relief under Section 273.081, including issuance of temporary orders;</u> <u>(2) a writ of mandamus under Section 161.009 or 273.061; and</u> <u>(3) any other remedy available under law.</u>	SECTION 4.10. Same as House version.
<i>No equivalent provision.</i>	SECTION 4.08. Section 34.005, Election Code, is amended to read as follows: Sec. 34.005. ACTION BY SECRETARY OF STATE. (a) The secretary of state may refer a reported violation of law for appropriate action to the attorney general, if the attorney general has jurisdiction, or to a prosecuting attorney having jurisdiction. <u>(b) If the secretary of state believes that a state inspector was unlawfully prevented or obstructed from the performance of the inspector's duties, the secretary of state may seek:</u>	SECTION 4.11. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

- (1) injunctive relief under Section 273.081, including issuance of temporary orders;
- (2) a writ of mandamus under Section 161.009 or 273.061;
- and
- (3) any other remedy available under law.

SECTION 3.08. Section 86.006, Election Code, is amended.

SECTION 4.09. Same as Senate version.

SECTION 4.12. Same as Senate version.

SECTION 3.09. Section 87.002, Election Code, is amended.

SECTION 3.__. Same as Senate version. [FA31(1)]

SECTION 3.14. Same as Senate version.

SECTION 3.10. Sections 87.027(d) and (e), Election Code, are amended *(See text below corresponding to SECTION 5.08 House version and SECTION 5.11 Conference version.)*

See SECTION 5.08 below, also amending Secs. 87.027(d) and (e), Election Code.

See SECTION 5.11 below also amending Secs. 87.027(d) and (e), Election Code.

SECTION 3.11. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

SECTION 4.__. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

SECTION 4.13. Same as House version.

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. Except as provided by **Sections 552.110 and 552.1101, Government Code**, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. (a) Except as provided by **Subsection (b)**, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

- (1) is not confidential;
- (2) is public information for purposes of Chapter 552, Government Code; and
- (3) is not subject to an exception to disclosure provided by Chapter 552, Government Code.

- (1) is not confidential;
- (2) is public information for purposes of Chapter 552, Government Code; and
- (3) is not subject to an exception to disclosure provided by Chapter 552, Government Code **other than Sections 552.110 and 552.1101, Government Code.**
- (b) A written letter, e-mail, or other communication between a public official and a voting systems vendor is excepted from disclosure under Chapter 552, Government Code, if the communication discloses information, data, or**

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

records relating to the security of elections critical infrastructure. [FA31(2)]

SECTION 3.12. Sections 127.006(a) and (c), Election Code, are amended.

SECTION 3.___. Same as Senate version. [FA31(1)]

SECTION 3.16. Same as Senate version.

SECTION 3.13. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.009 to read as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

SECTION 3.___. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.009 to read as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

SECTION 3.17. Same as House version.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is *printed and* delivered to the secretary of state not later than the fifth day after vote counting is complete.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is delivered to the secretary of state not later than the fifth day after vote counting is complete.

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.
[FA29]

SECTION 3.14. Section 127.1301, Election Code, is amended to read as follows:

~~Sec. 127.1301. [TALLYING, TABULATING, AND REPORTING] CENTRALLY COUNTED OPTICAL SCAN BALLOTS [BALLOT UNDERVOTES AND OVERVOTES]. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and~~

SECTION 4.___. Section 127.1301, Election Code, is amended to read as follows:

~~Sec. 127.1301. [TALLYING, TABULATING, AND REPORTING] CENTRALLY COUNTED OPTICAL SCAN BALLOTS [BALLOT UNDERVOTES AND OVERVOTES]. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and~~

SECTION 4.14. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

by election precinct in the form and manner prescribed by the secretary of state.

(b) After January 1, 2024, an authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

SECTION 3.15. Section 127.131, Election Code, is amended.

SECTION 3.16. Section 129.023, Election Code, is amended.

ARTICLE 4. VOTING BY MAIL

SECTION 4.01. Section 84.001(b), Election Code, is amended to read as follows:

(b) An application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

HOUSE VERSION (IE)

by election precinct in the form and manner prescribed by the secretary of state.

(b) An authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

(c) An authority that purchases system components in order to comply with this section is eligible to have 100 percent of the cost of those system components reimbursed.

(d) Subsection (b) applies starting on the earlier of:

(1) the date on which the state certifies the first centrally counted optical ballot scan system under this section; or

(2) September 1, 2026.

(e) This subsection and Subsection (d) expire October 1, 2026. [FA55(3)]

SECTION 4.__. Same as Senate version. [FA31(2)]

SECTION 4.10. Same as Senate version.

ARTICLE 5. Same heading as Senate version.

SECTION 5.01. Section 84.001(b), Election Code, is amended to read as follows:

(b) Subject to Section 1.011, an [An] application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

CONFERENCE

SECTION 4.15. Same as Senate version.

SECTION 4.16. Same as Senate version.

ARTICLE 5. Same heading as Senate version.

SECTION 5.01. Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 4.02. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0011 to read as follows: <u>Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS PROHIBITED. The early voting clerk may make no attempt to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party.</u>	<i>No equivalent provision.</i>	Same as House version.
SECTION 4.03. Section 84.002, Election Code, as effective September 1, 2021, is amended.	SECTION 5.02. Same as Senate version. [FA2(10)-(13)]	SECTION 5.02. Same as Senate version.
SECTION 4.04. Section 84.011(a), Election Code, as effective September 1, 2021, is amended.	SECTION 5.03. Same as Senate version.	SECTION 5.03. Same as Senate version.
SECTION 4.05. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows: <u>Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a) Except as provided by Subsection (c) or as otherwise authorized by this code, an officer or employee of this state or of a political subdivision of this state may not distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.</u> <u>(b) An officer or employee of this state or of a political subdivision of this state may not use public funds to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application under Section 84.001.</u> <u>(c) A political party or a candidate for office may distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.</u>	SECTION 5.__. Substantially the same as Senate version (added statutory language in House floor amendment not underscored). [FA31(3)]	SECTION 5.04. Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 4.06. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by mail; ~~[or]~~

(B) never requested a ballot to be voted by mail; or

(C) received notice of a defect under Section 87.0271(b) or 87.0411(b).

SECTION 4.07. Section 84.035, Election Code, is amended to read as follows:

Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early voting clerk cancels an application by an applicant to whom an early voting ballot has been sent, the clerk shall:

(1) remove the applicant's name from the early voting roster; and

(2) make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.

(b) An election judge may permit a person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011.

HOUSE VERSION (IE)

SECTION 5.04. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by mail; ~~[or]~~

(B) never requested a ballot to be voted by mail; or

(C) received notice of a defect under Section 87.0271(b) **or** (c) or 87.0411(b) **or** (c). [FA2(14)]

SECTION 5.__. Substantially the same as Senate version (added statutory language in House floor amendment not underscored). [FA31(3)]

CONFERENCE

SECTION 5.05. Same as House version.

SECTION 5.06. Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 4.08. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows: <u>(f) If the information required under Section 84.002(a)(1-a) included on the application does not identify the same voter identified on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.</u> <i>No equivalent provision.</i>	SECTION 5.05. Section 86.001, Election Code, is amended by adding Subsections (f), (f-1), and (f-2) to read as follows: [FA2(15)] <u>(f) Same as Senate version.</u> <u>(f-1) If an application is rejected under Subsection (f), the clerk shall provide notice of the rejection in accordance with Subsection (c). The notice must include information regarding the ability to correct or add information required under Section 84.002(a)(1-a) through the online tool described by Section 86.015(c).</u> [FA2(16)] <u>(f-2) If an applicant corrects an application for a ballot to be voted by mail online and that application subsequently identifies the same voter identified on the applicant's application for voter registration, the clerk shall provide a ballot to the applicant as provided by this chapter.</u> [FA2(16)]	SECTION 5.07. Same as House version, except as follows: <u>(f) Same as Senate version.</u> Same as House version. Same as House version.
SECTION 4.09. Section 86.002, Election Code, is amended.	SECTION 5.06. Same as Senate version. [FA2(17), FA2(18)]	SECTION 5.08. Same as Senate version.
SECTION 4.10. Section 86.011(c), Election Code, is amended.	SECTION 5.07. Same as Senate version.	SECTION 5.09. Same as Senate version.
SECTION 4.11. Section 86.015(c), Election Code, as effective September 1, 2021, is amended.	SECTION 5.__. Same as Senate version. [FA2(19)]	SECTION 5.10. Same as Senate version

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 5.08. Section 87.027(d), (e), and (i), Election Code, are amended to read as follows: [FA31(4)]

SECTION 5.11. Same as House version.

(Text from SECTION 3.10. above, amending Sections 87.027(d) and (e), Election Code.)

(d) The early voting clerk shall determine the number of members who are to compose the signature verification committee and shall state that number in the order calling for the committee's appointment. A committee must consist of not fewer than five members. In an election in which party alignment is indicated on the ballot, each county chair of a political party with a nominee or aligned candidate on the ballot shall submit to the appointing authority a list of names of persons eligible to serve on the signature verification committee in order of the county chair's preference. The authority shall appoint at least two persons from each list in the order of preference indicated on each list to serve as members of the committee. The same number of members must be appointed from each list. The authority shall appoint as [the] chair of the committee the highest-ranked person on [from] the list provided by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election. The authority shall appoint as vice chair of the committee the highest-ranked person on the list provided by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election. A vacancy on the committee shall be filled by appointment from the original list or from a new list submitted by the appropriate county chair.

(d) Same as Senate version. [FA31(5)]

(d) Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(e) To be eligible to serve on a signature verification committee, a person must be eligible under Subchapter C, Chapter 32, for service as a presiding election judge, except that the person must be a qualified voter:

(1) of the county, in a countywide election ordered by the governor or a county authority or in a primary election;

(2) of the part of the county in which the election is held, for an election ordered by the governor or a county authority that does not cover the entire county of the person's residence; or

(3) of the political subdivision, in an election ordered by an authority of a political subdivision other than a county.

(e) Same as Senate version. [FA31(5)]

(e) Same as Senate version.

SECTION 4.12. *Section 87.027(i), Election Code, is amended to read as follows:*

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any known signature [~~two or more signatures~~] of the voter [~~made within the preceding six years and~~] on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those

(i) Same as Senate version.

(i) Same as Senate version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 4.13. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:
Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE.

(a) This section applies to an early voting ballot voted by mail:

(1) for which the voter did not sign the carrier envelope certificate;

(2) for which it cannot immediately be determined whether the signature on the carrier envelope certificate is that of the voter;

(3) missing any required statement of residence;

(4) missing information or containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002; or

(5) containing incomplete information with respect to a witness.

(b) Before deciding whether to accept or reject a timely delivered ballot under Section 87.027, the signature verification committee *may*:

(1) return the carrier envelope to the voter by mail, if the **signature verification** committee determines that it would be

SECTION 5.09. Same as Senate version.

(a) Same as Senate version. [FA2(20) - FA2(22)]

(b) *Not later than the second business day after a signature verification committee discovers a defect described by Subsection (a) and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the committee shall:*

(1) *determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and*

(2) *return the carrier envelope to the voter by mail, if the committee determines that it would be possible for the voter*

SECTION 5.12. Same as Senate version.

(a) Same as Senate version.

(b), (c) Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

(2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may *come to the early voting clerk's office in person to:*
(A) correct the defect; or
(B) request to have the voter's application to vote by mail canceled under Section 84.032

(c) If the signature verification committee takes an action described by Subsection (b), the committee must take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) A poll watcher is entitled to observe an action taken under Subsection (b).

(e) The secretary of state may prescribe any procedures necessary to implement this section.

No equivalent provision.

HOUSE VERSION (IE)

to correct the defect and return the carrier envelope before the time the polls are required to close on election day.
(c) If the signature verification committee determines under Subsection (b)(1) that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the committee may notify the voter of the defect by telephone or e-mail and inform the voter that the voter may request to have the voter's application to vote by mail canceled *in the manner described by Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.*
[FA2(23)]

(d) If the signature verification committee takes an action described by Subsection (b) *or (c)*, the committee must take either action described by that subsection with respect to each ballot in the election to which this section applies.
[FA2(23), (24)]

(e) A poll watcher is entitled to observe an action taken under Subsection (b) *or (c)*. [FA2(23), (25)]

(f) Same as Senate version. [FA2(23)]

(g) Notwithstanding any other law, a ballot may not be finally rejected for a reason listed in Section 87.041(b)(1), (2), or (6) before the seventh day after election day.
[FA2(23)]

CONFERENCE

(d) Same as House version.

(e) Same as House version.

(f) Same as Senate version.

(g) Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 4.14. Section 87.041, Election Code, is amended.

SECTION 4.15. Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:
Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD.

(a) This section applies to an early voting ballot voted by mail:

(1) for which the voter did not sign the carrier envelope certificate;

(2) for which it cannot immediately be determined whether the signature on the carrier envelope certificate is that of the voter;

(3) missing any required statement of residence;

(4) missing information or containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002; or

(5) containing incomplete information with respect to a witness.

(b) **Before deciding** whether to accept or reject a timely delivered ballot under Section 87.041, the early voting ballot board **may**:

(1) return the carrier envelope to the voter by mail, if the **early voting ballot** board determines that it would be possible

HOUSE VERSION (IE)

SECTION 5.10. Same as Senate version. [FA2(26)-(30)]

SECTION 5.11. Same as Senate version.

(a) Same as Senate version. [FA2(31)-(33)]

(b) **Not later than the second business day after an early voting ballot board discovers a defect described by Subsection (a) and before the board decides** whether to accept or reject a timely delivered ballot under Section 87.041, the board **shall**: [FA2(34), FA3(1)-(3)]

(1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and [FA2(34)]

(2) return the carrier envelope to the voter by mail, if the board determines that it would be possible *for the voter* to

CONFERENCE

SECTION 5.13. Same as Senate version.

SECTION 5.14. Same as Senate version.

(a) Same as Senate version.

(b), (c) Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

(2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may *come to the early voting clerk's office in person to:*

(A) correct the defect; or

(B) request to have the voter's application to vote by mail canceled under Section 84.032.

(c) If the early voting ballot board takes an action described by Subsection (b), the board must take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) A poll watcher is entitled to observe an action taken under Subsection (b).

(e) The secretary of state may prescribe any procedures necessary to implement this section.

No equivalent provision.

HOUSE VERSION (IE)

correct the defect and return the carrier envelope before the time the polls are required to close on election day.
[FA2(34), FA3(4)]

(c) If the early voting ballot board determines under Subsection (b)(1) that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by telephone or e-mail and inform the voter that the voter may

request to have the voter's application to vote by mail canceled *in the manner described by* Section 84.032 *or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.*
[FA2(34), FA3(5)-(6)]

(d) If the early voting ballot board takes an action described by Subsection (b) *or (c)*, the board must take either action described by that subsection with respect to each ballot in the election to which this section applies. [FA2(34), (35)]

(e) A poll watcher is entitled to observe an action taken under Subsection (b) *or (c)*. [FA2(34), (36)]

(f) Same as Senate version. [FA2(34)]

(g) Notwithstanding any other law, a ballot may not be finally rejected for a reason listed in Section 87.041(b)(1).

CONFERENCE

(d) Same as House version.

(e) Same as House version.

(f) Same as Senate version.

(g) Same as House version.

Senate Bill 1
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
	<u>(2), or (6) before the seventh day after election day.</u> [FA2(34)]	
SECTION 4.16. Section 87.0431(b), Election Code, is amended.	SECTION 5.12. Same as Senate version.	SECTION 5.15. Same as Senate version.
SECTION 4.17. Sections 87.062(a) and (c), Election Code, are amended.	SECTION 5.13. Same as Senate version.	SECTION 5.16. Same as Senate version.
SECTION 4.18. Section 87.103, Election Code, is amended	SECTION 5.14. Same as Senate version.	SECTION 5.17. Same as Senate version.
SECTION 4.19. Section 87.126, Election Code, is amended.	SECTION 5.15. Same as Senate version.	SECTION 5.18. Same as Senate version.
SECTION 4.20. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.128 to read as follows: <u>Sec. 87.128. NOTES. Each member of an early voting ballot board and each member of a signature verification committee is entitled to take and keep any notes reasonably necessary to perform the member's duties under this chapter.</u>	SECTION 5.16. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.128 to read as follows: <u>Sec. 87.128. NOTES. (a) Each member of an early voting ballot board and each member of a signature verification committee is entitled to take any notes reasonably necessary to perform the member's duties under this chapter.</u> [FA39]	SECTION 5.19. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.128 to read as follows: (a) Same as House version.
<i>No equivalent provision.</i>	<u>(b) Notes taken under this section may not contain personally identifiable information.</u> [FA39]	(b) Same as House version.
<i>No equivalent provision.</i>	<u>(c) Each member who takes notes under this section shall sign the notes and deliver them to the presiding judge or committee chair, as applicable, for delivery to the custodian of election records.</u> [FA39]	(c) Same as House version.
<i>No equivalent provision.</i>	<u>(d) Notes collected under this section shall be preserved in the same manner as precinct election records under Section 66.058.</u> [FA39]	(d) Same as House version.